

Biden: A Liberal Breaks Ranks

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The Washington Post (1974-Current file); Sep 28, 1975;
ProQuest Historical Newspapers: The Washington Post
pg. 30

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IN THE FRENZIED, us-or-them national debate over school desegregation, Sen. Joe Biden Jr. seems at first glance to perch on the pinnacle of a paradox. How else explain a man who wants the best break for blacks yet so vehemently denounces busing?

But during a two-hour interview the other day, the young Delaware Democrat emerged as someone picking a rather precise path through shibboleth and stereotype.

While criticized at one point or another by both pro and anti-busing factions, Biden hasn't simply settled on some muddled middle ground— if any, in fact, could exist these days. No, he is foursquare against busing. But not necessarily for the same reasons as a Jesse Helms of North Carolina or a James Allen of Alabama.

Biden, sees himself stepping in where liberal angels fear to tread. If only a conservative like Richard Nixon could open the door to Mainland China, perhaps only a liberal like Joe Biden can slam the door on busing.

Biden said he is convinced that a full 65 of the Senate's 100 members, many liberals as well as conservatives, "don't believe busing's a good idea."

You wouldn't know it from their voting records. But Biden contended a number of fellow liberals have been locked into opposing anti-busing measures, despite their growing private doubts, because votes on busing have become the civil rights lobby's litmus test for sorting out friend and foe. He can understand why, Biden added, given government retreats in other fields like housing. "The black community justifiably is jittery."

After the Senate 11 days ago adopted his own surprise anti-busing amendment by seven votes, Biden said, "A couple who did not vote with me—could not—came up to me and said, 'I'm glad you're doing what you're doing—I can't do it.'"

He continued, "Others who have

been viewed as supporters of busing came up to me as long as eight months ago and said, 'Joe, you've got to do something. I can't—we can't—because of our standing in the community. We'll be misread. Yet we think you're right on it.'"

As a liberal who has broken ranks to oppose busing, Biden said, "I think what I've done inadvertently . . . is, I've made it— if not respectable—I've made it reasonable for longstanding liberals to begin to raise the questions I've been the first to raise in the liberal community here on the floor."

Over the next several years, he predicted, those liberals "are going to see the light" and switch sides on busing too.

Significant switches have already been occurring, to the dismay of civil rights lobbyists, in the Senate's latest convoluted floor fight over busing to desegregate schools.

Biden's own anti-busing amendment picked up votes from Majority Leader Mike Mansfield and Lee Metcalf of Montana and such other once-reliable Democratic liberals as Quentin Burdick of North Dakota, Gaylord Nelson of Wisconsin, Warren Magnuson of Washington, and Stuart Symington and Thomas Eagleton of Missouri.

Some switched back on related later votes. But what has clearly emerged from this latest struggle is that civil rights groups can no longer count as before on a slim but stalwart Senate majority to fend off attacks on busing and other disruptive school desegregation remedies.

And Joe Biden, at 32 the youngest Senator, will be remembered for his amendment that first illustrated the Senate's new tilt. He'll stand in Senate civil rights lore alongside Abraham A. Ribicoff of Connecticut, another liberal who dramatically broke ranks five years ago.

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Sen. Joseph Biden: "I still walk down the street in the black side of town."

Ribicoff, declaring the North "guilty of monumental hypocrisy," became the first Northern liberal to endorse a Southern proposition that school desegregation pressures should apply equally across the entire nation. The Southerners foresaw then that as desegregation brought upheavals to Northern school systems, the whole movement could falter—easing pressures on their schools too. And this, it would appear, is just what's happening today.

BUSING, to Biden, is a "bankrupt concept." In countenancing it, he said, "I think we violated the most cardinal rule that a politician can violate in the eyes of the American people . . . the cardinal rule of common sense."

Biden insisted he has been consistent in opposing busing—as he defines it—since before his 1972 Senate election. He recalled, for example, forgoing some campaign contributions from white liberals because, at a 1971 cocktail party, he refused to take a pro-busing position.

At the same time, he has accumulated some very credible civil rights credentials since adolescence—as a participant in a high school restaurant boycott and in sit-ins along Route 40, as a debater against racial discrimination while at Syracuse Law School, as a young criminal lawyer with a largely black, even black-militant clientele, as a suburban public-housing advocate when he ran in 1970 for the New Castle County Council, and as a middle-class white with many friends and political contacts in Wilmington's black community.

"I still walk down the street in the black side of town," he boasted, "and you get—maybe they're my clients—but Mousey and Chops and all the boys at 13th and—I can walk in those pool halls, and I quite frankly don't know another white man involved in Delaware politics who can do that kind of thing."

Biden acknowledged that his simultaneous advocacy of blacks' civil rights and opposition to busing has led to repeated misunderstandings and landed him in political crossfires. He added that he has brought his own views into sharp focus only in the past years or so—inspired by Senate busing debates and a court case threatening busing for Wilmington and its suburbs.

Busing, in Biden's current lexicon, is more than the physical transportation of children to schools far from

home. It's "the assignment of students to a school other than what is traditionally their neighborhood school for the purpose of redressing some racial imbalance." He would oppose reassigning a child from one walk-in school to another walk-in school for that purpose.

What he's basically attacking, Biden explained, is the concept that school systems should bear the full burden of affirmatively integrating society where they haven't been guilty themselves of gerrymandering or other clearly illegal acts.

Where court proceedings have found school systems actually guilty of such acts to exclude blacks, Biden unlike some would let the judges order busing when it's the necessary remedy. But he would like somehow—if he can ever find the right legislative phrasing—to bar court-ordered busing in other cases, where guilt, for example, stems from decades-old housing bias.

So far, Biden conceded, he has found only a partial solution—to limit the Health, Education and Welfare Department's administrative enforcement efforts. By last December, he had drafted an amendment that would simply bar HEW from using federal funds "for assigning students to schools because of race."

IRONICALLY, that wasn't the amendment he successfully sponsored in the Senate 11 days ago. He went over to the floor that day to hear debate on a far broader measure offered by Jesse Helms, the North Carolina Republican.

"Let me just level with you—I made a mistake," he recalled. "I tried to emasculate Jesse Helms' amendment . . . I wanted to accomplish stopping busing. I didn't want to accomplish what Jesse Helms did. Jesse Helms had in his amendment sex, record-keeping stuff and everything else . . . So I took his amend-

ment and amended it. This was not a planned thing, to introduce it at this time. It shocked the staff . . . I had no prepared speech, nothing. It just went, you know, from the hip . . . I literally took a pencil and scratched out words in his amendment."

Unfortunately, Biden continued, he neglected to scratch out three words: "teachers," "courses" and "classes." Thus the impromptu Biden amendment adopted that day would bar HEW not only from requiring student desegregation school-by-school, through busing or mere reassignment, but from trying to desegregate school faculties or an individual school's classrooms.

When Biden tried to correct his mistake, Senate civil rights stalwarts and lobbyists at first turned him down lest "cleaning up" his amendment make it any more palatable.

Then, three days ago, Biden won Senate approval for a narrower amendment which would bar HEW only from requiring busing—in the literal sense—of students "for reasons of race." This time, he had the votes of most civil rights stalwarts. Caught by then in a parliamentary straitjacket, they were in the ironic position of voting for an anti-busing amendment as the lesser of two evils.

As Biden himself put it, "They had no place to go."

But while the liberal alignment on this last vote was for many an aberration, Biden is convinced that a growing number in the next few years will change their views on the busing issue.

"They're going to have to do what I started to do two years ago, and that is, to really look at the issue. I don't think they've really looked at the issue. Quite frankly, I don't think they understand the issue . . ."

With the lawmakers still reeling from their latest busing donnybrook, Biden was already looking ahead to the next battle on the Senate floor when he'll "go at it tightly and concisely, and no mistake about it."